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 ERIK ZUNIGA-MANZO

8 **UNITED STATE DISTRICT COURT**
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,) Case No: 2:22-cr-134-APG-BNW
 11)
 12 vs.) **STIPULATION TO CONTINUE**
 13 ERIK ZUNIGA-MANZO,) **SENTENCING**
 14 KEVIN ZUNIGA) **(Fourth Request)**
 15 ALEXANDER CINTRON)
 16 CARLOS IBARRA)
 ARLEN IRIAS)
 Defendants.)

17 **IT IS HEREBY STIPULATED AND AGREED**, by and between ERIK ZUNIGA-
 18 MANZO, Defendant, by and through his counsel DAN M. WINDER, ESQ., and the United States
 19 of America, by MELANEE SMITH, Assistant United States Attorney, that the sentencing for ERIK
 20 ZUNIGA-MANZO, currently scheduled for May 13, 2025 at 2:00 p.m., in the above-captioned
 21 matter be vacated and continued for 90 days or to a date and time to be set by this Honorable Court

22 This Stipulation is entered into for the following reasons:

23 1. Currently there is a case pending before the 9th Circuit Court of Appeal regarding the
 24 constitutionality of an ex-felon in possession statute, *US vs. Duarte*, Case No. 22-50048.

25 2. The Defendant is not incarcerated and does not object to the continuance.

26 3. The parties agree to the continuance.

27 4. The additional time requested herein is not sought for purpose of delay, but merely

1 to permit the 9th Circuit Court of Appeal to rule on the constitutionality of the ex-felon in possession
2 statute.

3 6. Additionally, denial of this request for continuance could result in a miscarriage of
4 justice. The additional time requested by this Stipulation is excludable in computing the time within
5 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
6 Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section
7 3161 (h)(7)(b)(I), (iv).

8 This is the fourth request to continue Sentencing filed herein.

9 DATED this 6th day of May, 2025
10

11 DAN M. WINDER, ESQ.
12 Counsel for Defendant

SIGAL CHATTAH
United States Attorney

13
14 /s/Dan M. Winder
15 DAN M. WINDER, ESQ.

/s/Melanee Smith
16 MELANEE SMITH
17 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
vs.)
ERIK ZUNIGA-MANZO,)
KEVIN ZUNIGA)
ALEXANDER CINTRON)
CARLOS IBARRA)
ARLEN IRIAS)
Defendants.)
)
Case No: 2:22-cr-134-APG-BNW

**STIPULATION TO CONTINUE
SENTENCING
(Fourth Request)**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Currently there is a case pending before the 9th Circuit Court of Appeal regarding constitutionality of an ex-felon in possession statute.

2. The Defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purpose of delay, but merely to allow counsel see the outcome of *US vs. Duarte*, Case No. 22-50048, 9th Circuit Court of Appeal regarding constitutionality of an ex-felon in possession statute.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section 3161 (h)(7)(b)(I), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section 3161 (h)(7)(b)(I), (iv).

ORDER

IT IS FURTHER ORDERED that the Sentencing currently scheduled for May 13, 2025 at 2:00 p.m., be vacated and continued to September 4, 2025 at the hour of 9:30 a.m. in Las Vegas Courtroom 6C.

DATED this 8th day of May, 2025.


UNITED STATES DISTRICT JUDGE